

REMARKS

This Amendment and Response is submitted in reply to the Office Action dated June 30, 2004. A Petition for a three-month extension of time is enclosed herewith. Therefore, the time period for response extends up to and includes December 30, 2004.

Applicant has amended claim 52 above. The amendment was made to amend a typographical error. Accordingly, such amendment is not made to overcome an art-based rejection, and so should not be construed in a limiting manner. Claims 1-129 remain pending in the present application.

Claim Objections

At paragraph 2 of the subject Action, the Examiner first noted that there was a claim dependency error in claim 52. Applicant has amended the claim in accordance with the Examiner's suggestion. Therefore, withdrawal of the Examiner's objection is now requested.

§102 Rejection

At paragraphs 3 and 4 of the Action, the Examiner rejected claims 1-4, 8, 9, 32-35, 39, 40, 63-66, 70, 71, 94, 98, 101, 106, 110, 113, 118, 122, and 125 under §102(e) as being anticipated by Wilstrup et al. Applicants respectfully traverse the Examiner's rejection.

Wilstrup et al. generally discloses a measurement system that splits a known signal into first and second signals, applies the second signal to a system under test (or device under test – "DUT"), whereby a third signal is produced, and then measures a delay between the transition of the first signal and third signal. This is generally performed to measure wavelength dispersion in an optical system. Wilstrup et al. does

not disclose and/or teach the invention recited in Applicants' independent claims 1, 32, 63, 94, 98, 101, 106, 110, 113, 118, 122, and 125. More specifically, Wilstrup et al. does not disclose constructing a probability density function from the measured data, constructing a probability density function based on a convolution model, and/or then performing a deconvolution process on the constructed probability density functions. Each of these elements is recited in the independent claims.

It appears that the Examiner has taken a comment from the Background section of Wilstrup et al., namely that, "Jitter is a statistical process and has a probability density function (PDF) associated with it", and applied this comment to the Wilstrup et al. detailed description. As noted above, however, Wilstrup et al. does not disclose constructing two probability density functions and then performing deconvolution on them as recited in Applicants' invention. Therefore, in the event that the Examiner maintains this rejection, the Examiner is requested to contact Applicants' attorney below to discuss this rejection and/or to more specifically point to where Wilstrup et al. discloses the recited invention.

The dependent claims 2-4, 8, 9, 33-35, 39, 40, 64-66, 70, 71 rely on one of the independent claims and so are allowable for at least the above reasons. However, Applicants do not otherwise concede the correctness of the Examiner's rejection and reserve the right to make additional arguments as may be necessary.

In view of the above, the Examiner's reconsideration and withdrawal of the §102(e) rejection is requested.

§103 Rejection

At paragraphs 5-11, the Examiner rejected claims 5-7, 10-31, 36-38, 41-62, 67-69, 72-93, 95-97, 99-100, 102-105, 107-109, 111-112, 114-117, 119-121, 123-124, and 126-129 on the grounds that these claims were obvious given Wilstrup et al. in view of Traiger, Traiger further in view of Skafidas et al., Martone, Martone further in view of Traiger, and/or Martone and Traiger and further in view of Skafidas et al. Applicants respectfully traverse each of these rejections.

As noted above in connection with the Examiner's §102(e) rejection, Wilstrup et al. does not disclose the invention recited in the independent claims. Further, each of the obviousness rejections raised by the Examiner is to a dependent claim (e.g., which depends from one of the independent claims discussed above). Since Traiger, Sakfidas et al., and Martone do not remedy the deficiencies of Wilstrup et al., such claims are also allowable over the art of record.

Applicants do not otherwise concede the correctness of the Examiner's rejection and reserve the right to make additional arguments as may be necessary.

In view of the foregoing, the Examiner's reconsideration and withdrawal of the §103 rejections is requested.

Appl. No. 10/021,895
Reply to Office Action of June 30, 2004

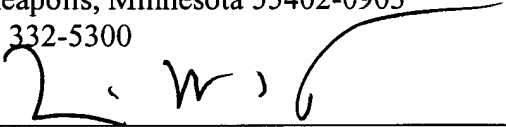
Conclusion

Applicants thank the Examiner for thoroughly reviewing the application. If the Examiner has any questions in regard to the foregoing, he is respectfully requested to contact applicants' attorney below at 612.336.4755.

Respectfully submitted,

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